

## **DEVELOPMENT STANDARD (August 27, 2021):**

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Chick-Fil-A, Inc. to request the rezoning of an approximately .881 acre site located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road, which site is more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Tax Parcel No. 157-173-07.
- The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the City of Charlotte Zoning Ordinance (the "Ordinance").
- Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the B-2 zoning district shall govern the development and use of the Site.
- The development depicted on the Rezoning Plan is schematic in nature and intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the configuration, placement and size of the building footprint as well as the internal drives and parking and circulation areas depicted on the Rezoning Plan are schematic in nature and, subject to the terms of these Development Standards and the Ordinance, are subject to minor alterations or modifications during the design development and construction
- A purpose of this rezoning request is to demolish the existing building on the Site that is utilized for an eating, drinking and entertainment establishment Type 1 with accessory drive—in/drive through service lanes/windows, and to construct a new building on the Site that would be devoted to an eating, drinking and entertainment establishment (Type 1) with drive—in/drive through service lanes/windows, outdoor dining, carry—out pick—up windows and no indoor seating for patrons.
- Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance.
- Permitted Use/Development Limitations
- Subject to the development limitations set out below, the Site may only be devoted to the uses set out below and to any incidental and/or accessory uses associated therewith that are permitted under the Ordinance in the B-2 zoning district.
- 1) An eating, drinking and entertainment establishment (Type 1) with drive—in/drive through service lanes/windows, outdoor dining and carry-out pick-up windows and no indoor seating for patrons, together with any incidental or accessory uses associated therewith that are permitted under the Ordinance in the B-2 zoning district.
- (3) Those uses that are permitted by right or under prescribed conditions in the B-2 zoning district that are also permitted by right or under prescribed conditions in the B-1 zoning district, together with any incidental/and or accessory uses associated therewith that are permitted under the Ordinance in the B-2 zoning district.
- B. An eating, drinking and entertainment establishment (Type 2) shall be subject to the applicable regulations of Section 12.546 of the Ordinance.
- A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by the Charlotte Department of Transportation ("CDOT").
- 3. The vehicular access point on Randolph Road shall be limited to right—in, right—out
- The alignments of the private drives and the parking and vehicular circulation areas may be modified by Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by CDOT in accordance with applicable published
- All transportation improvements will be approved and constructed prior to the issuance of a certificate of occupancy for a new building constructed on the Site.
- Off—street vehicular parking for an eating, drinking and entertainment establishment (Type 1) with drive—in/drive through service lanes/windows, outdoor dining and carry—out pick—up windows and no indoor seating for patrons shall be provided at the rate of 1 parking space per 250 square feet of gross floor area for the new building to be constructed on the Site, and 1 parking space per 75 square feet of floor area for an outdoor dining
- Off—street vehicular parking for any use or uses on the Site other than an eating, drinking and entertainment establishment (Type 1) with drive—in/drive through service lanes/windows, outdoor dining and carry-out pick-up windows and no indoor seating for patrons shall be provided in accordance with the requirements of the Ordinance.
- A. The maximum height of the new building to be constructed on the Site shall be governed
- A. The existing 6 foot wide sidewalk located along the Site's frontage on Randolph Road that abuts the curb shall remain in place.
- A. Pursuant to Section 12.206(3) of the Ordinance, the parking of vehicles is not permitted
- within 5 feet of any exterior lot line. The Petitioner obtained a variance from the City of Charlotte Zoning Board of Adjustment (the "ZBA") (Case No. 2001—07) on January 30, 2001 that eliminated this requirement and allows parking to be located within 5 feet and immediately adjacent to an exterior lot line of the Site. As a result of the granting of this variance, parking may be located within 5 feet and immediately adjacent to exterior lot lines of the Site as depicted on the Rezoning Plan.
- . Pursuant to Section 12.110 of the Ordinance, except as otherwise permitted by the Ordinance, no structure shall be permitted which obstructs or otherwise interferes with public use of a street right of way or other public easement. The Petitioner obtained a variance from the ZBA (Case No. 2002-16) on January 29, 2002 to allow the back-flow preventers for the Site to remain in the right of way upon the condition that if Randolph Road is ever widened, the applicant will relocate the back-flow preventers according to the current Code. As a result of the granting of this variance, the existing back—flow preventers for the Site may remain in their current location within the right of way until such time that Randolph Road is widened, at which time the Petitioner will relocate the back—flow preventers according to the current Code.
- Petitioner shall pursue the approval of the variances from the Zoning Ordinance set out below from the ZBA, and if these variance requests are approved, they will apply to the development and use of the Site.
- (1) A variance from Section 9.805(1)(h) of the Ordinance to allow pavement and curb associated with the drive through lanes to encroach up to 5 feet into the 20 foot setback from Randolph Road as depicted on the Rezoning Plan. (2) A variance from Section 9.805(1)(h) of the Ordinance to allow drainage flumes and
- additional measures for erosion to encroach up to 10 feet into the 20 foot setback from Randolph Road as depicted on the Rezoning Plan. (3) A variance from Section 9.805(1)(h) of the Ordinance to allow a parking space to encroach up to 8 feet into the 20 foot setback from Randolph Road as depicted on the
- Binding Effect of the Rezoning Documents and Definitions
- A. If this Rezoning Petition is approved, all conditions applicable to the use and development of the Site imposed under these Development Standards and the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Petitioner and the current and subsequent owners of the Site and their
- B. Throughout these Development Standards, the term "Petitioner" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Petitioner or the owner or owners of the Site from time to time who may be involved in any future development thereof.
- . Any reference to the Ordinance herein shall be deemed to refer to the requirements of the Ordinance in effect as of the date this Rezoning Petition is approved.



5200 Buffington Rd. Atlanta Georgia,

30349-2998 PH 404-765-8000 FAX 404-684-8550 REVISION SCHEDULE

NO. <u>DATE</u> <u>DESCRIPTION</u>



NC LICENCE #C-0555

4431 RANDOLPH ROAD

DWG EDITION reliminary'

180% Submittal For Constructio

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Checked By: MSW